

REMARKS

Non-compliance

Applicants submit that the contentions made in the notice of non-compliance are erroneous. The status of the claims and the claim identifiers presented in the listing of claims submitted with the previous reply reflect the amendments that were entered via Applicants' preliminary amendment filed January 3, 2005. See, enclosed. See also, published claims in US patent publication No. 2006-0172407 A1. Favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

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| <input type="checkbox"/> Article 19 Amendments | <input type="checkbox"/> Request form PCT/RO/101 |
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| <input checked="" type="checkbox"/> PCT/IPEA/409 IPER (PCT/IPEA/416 on front) | <input type="checkbox"/> Search Report References |
| <input type="checkbox"/> Annexes to 409 | <input type="checkbox"/> Other : _____ |
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RECEIPTS FROM THE APPLICANT (other than checked above) :

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| <input checked="" type="checkbox"/> Basic National Fee (or authorization to charge) | <input checked="" type="checkbox"/> Preliminary Amendment(s) Filed on : 1. 3 Jan 05 2. _____ 3. _____ |
| <input checked="" type="checkbox"/> Description | <input checked="" type="checkbox"/> Information Disclosure Statement(s) Filed on : 1. 3 Jan 05 2. _____ 3. _____ |
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| <input type="checkbox"/> Article 19 Amendments <input type="checkbox"/> english transl. of annexes NOT present <input type="checkbox"/> entered <input type="checkbox"/> not entered : <input type="checkbox"/> not a page for page substitution <input type="checkbox"/> other : _____ | <input type="checkbox"/> Substitute Specification Filed on : 1. _____ 2. _____ |
| <input type="checkbox"/> Annexes to 409 <input type="checkbox"/> english transl. of annexes NOT present <input type="checkbox"/> entered <input type="checkbox"/> not entered : <input type="checkbox"/> not a page for page substitution <input type="checkbox"/> other : _____ | <input type="checkbox"/> Small Entity |
| | <input type="checkbox"/> Oath/ Declaration (executed) <input type="checkbox"/> surcharge was paid at the time of filing |
| | <input checked="" type="checkbox"/> DNA Diskette <input checked="" type="checkbox"/> Sequence Listing |
| | <input type="checkbox"/> Other : 1. _____ 2. _____ |

NOTES :

☐ I.A. used as Specification ☐ Other :

35 U.S.C. 371 - Receipt of Request (PTO-1390)

Date Acceptable Oath/ Declaration Received

Date of Completion of requirements under 35 U.S.C. 371

102(e) Date

Date of Completion of DO/ EO 903 - Notification of Acceptance

Date of Completion of DO/ EO 905 - Notification of Missing Requirements

Date of Completion of DO/ EO 906 - Notification of Missing 102(e) Requirements

Date of Completion of DO/ EO 907 - Notification of Acceptance for 102(e) Date

Date of Completion of DO/ EO 909 - Notification of Abandonment

Date of Completion of DO/ EO 911 - Application Accepted Under 35 U.S.C. 111

Date of Completion of DO/ EO 916 - Notification of Defective Response

Date of Completion of DO/ EO 920 - Notification to Comply w/ Seq. Requirements

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

International Application No. : PCT/EP2003/007068
International Filing Date : July 2, 2003
Priority Date(s) Claimed : July 2, 2002
Applicant(s) (DO/EO/US) : Frank MAYER et al.

Title: BACTERIAL CELL DIGESTION

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Prior to calculating the national fee, and prior to examination in the National Phase of the above-identified International application, please amend as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Original) Use of substances that bind to the components of the cytoskeleton, especially to EF-Tu, for cell digestion.
2. (Original) Use according to claim 1 for cell digestion of bacteria cells.
3. (Currently Amended) Use according to claim 1 ~~or 2~~, characterized in that the substances bind to the EF-Tu in the area of the domain 2 (amino acids 205 to 298) and/or of the domain 3 (amino acids 299 to 349).
4. (Currently Amended) Use according to claim 1 ~~one of the preceding claims~~, wherein the substances bind to the EF-Tu in the area of the amino acids 218 to 224 of the domain 2 and/or in the area of amino acids 317 to 328 and/or 343 to 354 of the domain 3.
5. (Currently Amended) Use according to claim 1 ~~one of the preceding claims~~, wherein the substances contain partial segments of the amino acid sequences from the domains 2 and/or 3 with a length of at least four amino acids.
6. (Original) Use according to claim 5, wherein the partial segments have a length from 5 to 15 amino acids, especially from 6 to 12 amino acids.
7. (Currently Amended) Use according to claim 1 ~~one of claims 1 to 5~~, wherein the substances contain the domain 3 of EF-Tu and no other domain of EF-Tu.
8. (Currently Amended) Use according to claim 1 ~~one of the preceding claims~~, wherein the substances are chosen from linear or cyclic peptide compounds or peptide mimetic agents.
9. (Original) Process for digestion of cells, wherein components of the cytoskeleton are destabilized in the cells.

10. (Original) Process according to claim 9, wherein substances that bind to the components of the cytoskeleton are used for destabilization.

11. (Currently Amended) Process according to claim 9 ~~or 10~~, wherein substances that bind to EF-Tu are used.

12. (Currently Amended) Process according to claim 9 ~~one of claims 9 to 11~~, wherein substances are used that bind to the EF-Tu in the area of the domain 2 (amino acids 205 to 298) and/or domain 3 (amino acids 299 to 394), especially in the area of amino acids 218 to 224 of the domain 2 and/or in the area of amino acids 317 to 328 and/or 343 to 354 of the domain 3.

13. (Currently Amended) Process according to claim 12 ~~one of claims 12 or 13~~, wherein substances are used that contain partial segments of the amino acid sequences from the domains 2 and/or 3 with a length of at least 4 amino acids, especially of at least 5 amino acids.

14. (Currently Amended) Process according to claim 10 ~~one of claims 10 to 13~~, wherein nucleic acids are introduced into the cells that code for the substances that destabilize the cytoskeleton.

15. (Original) Process for producing a compound, wherein cells are used into which a sequence has been introduced, coding for a compound that destabilizes components of the cytoskeleton of the cells, the cells are cultivated and in this way the desired intracellular compound is obtained.

16. (Original) Process according to claim 15, wherein the desired compound is intracellularly produced by cultivation of cells and, in a second step, lysis of the cells is caused by induction of expression of the compound that destabilizes the cytoskeleton.

17. (Currently Amended) Process according to claim 16 ~~one of claims 16~~ [sic], wherein the desired compound is formed by heterologous expression.

18. (Currently Amended) Process according to claim 16 ~~one of claims 16~~ [sic], wherein the desired compound is formed by homologous expression.

19. (Currently Amended) Process according to claim 16 ~~one of claims 16 to 20~~, wherein induction takes place by quorum sensing.

20. (Currently Amended) Process according to claim 16 ~~one of claims 16 to 20~~, wherein the sequence that codes for a compound that destabilizes the cytoskeleton of the cells in a construct is introduced into the cells, the construct containing additional regions that allow an induction of the synthesis of the compound.

21. (Original) Construct, comprising a sequence that codes for a compound that destabilizes components of the cytoskeleton of cells.

22. (Original) Construct according to claim 21, furthermore comprising a gene segment that allows the induction of synthesis of the compound that destabilizes the cytoskeleton.

REMARKS

The purpose of this Preliminary Amendment is to eliminate multiple dependent claims in order to avoid the additional fee. Applicants reserve the right to reintroduce claims to canceled combined subject matter.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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